



United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

March 30, 2020

BY ECF & E-MAIL

Hon. Richard J. Sullivan
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

Re: United States v. Olga Kharuk
13 Cr. 774 (RJS)

Dear Judge Sullivan:

The Government writes, with the consent of the defense, to request jointly that the sentencing of Olga Kharuk now scheduled for May 4, 2020 be adjourned. Rather than ask for a new sentencing date at this time, with the attendant deadlines for the Government's 5K1.1 letter and the filing of the PSR, the parties ask that the Court set a status date for the parties to report further to the Court, no later than May 8, 2020. This application is based on the still-unresolved status of a related case, and on scheduling uncertainties in light of the current COVID-19 situation.

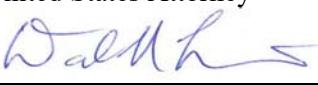
Defendant Kharuk pled guilty in the above-referenced case on December 13, 2013. In April 2019, Kharuk testified before Hon. Lorna G. Schofield at the trial of two of her co-conspirators, Paul J. Mathieu and Hatem Behiry. Following that trial, this Court scheduled Kharuk's sentencing to follow the sentencing of Mathieu and Behiry. Since then, however, although Mathieu has been sentenced, Behiry's sentencing date has been adjourned several times, leading to several adjournments of the sentencing date for Kharuk.

Judge Schofield has now adjourned Behiry's sentencing date to May 7, 2020. Also since our last report to this Court, Behiry has filed a motion for a new trial, which is *sub judice*. If there were to be a new trial, Kharuk would be very likely to testify again. In addition, there remains the possibility of other proceedings related to Behiry's sentencing at which Kharuk could testify, such as a *Fatico* hearing.

In order to ensure that Kharuk completes her cooperation and that the Court has a complete understanding of that cooperation before she is sentenced, the Government and Kharuk respectfully request that the Court adjourn her sentencing, and grant the parties until no later than May 8 to provide a further status report to the Court. Such a schedule will allow the parties to also propose realistic dates for the submission of a 5K1.1 letter and the final PSR.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

By: 

David Raymond Lewis
Stephen J. Ritchin
Timothy V. Capozzi
Assistant United States Attorneys
(212) 637-2397/2503/2404

cc: Michael Farkas, Esq. (by ECF)